

**REMARKS**

By this Amendment, claim 1 has been amended, and new claims 19 and 20 have been added, leaving claims 1 and 3-20 pending in the application. The original Abstract has been replaced by a replacement Abstract. Favorable consideration is respectfully requested in light of the following remarks.

**Rejection Under 35 U.S.C. § 102**

Claims 1, 3 and 4 stand rejected under 35 U.S.C. § 102(b) over U.S. Patent No. 5,843,027 to Stone et al. ("Stone"). The rejection is respectfully traversed.

Claim 1, as amended, recites a multi-layer hose, which comprises an opaque, extrudable first layer; at least one opaque, extrudable second layer connected to the first layer; and at least one marking section. The marking section comprises at least one character and/or number, and is arranged between the first layer and the at least one second layer and adapted to be read making use of X rays. Support for the amendment to claim 1 is provided, for example, at page 4, lines 12-13, of the specification.

The claimed multi-layer hose comprises at least one marking section arranged between the first and second opaque layers. The marking section comprises at least one character and/or number, which can be read using X rays. In an exemplary embodiment, it is possible to trace back individual process steps by reading the at least one character and/or number using X rays. See page 1, fourth paragraph, and page 4, line 14, of the specification.

Stone does not disclose, nor does Stone suggest, a multi-layer hose comprising each and every feature recited in Claim 1. Stone discloses a medical

balloon sheath. As shown in Figure 1 of Stone, the balloon sheath 40 is located along the tubular body 12 between the manifold 18 and balloon 24. Stone discloses that the balloon sheath 40 can include marker bands located between the two layers 42, 44, at the proximal and/or distal regions of the sheath (column 5, lines 43-50). According to Stone, the marker bands are arranged at the proximal and/or distal regions of the sheath 40 to enable visualization of the axial position of the sheath relative to other structures, such as a stent or an inflation balloon, thereby enabling the position of the sheath in a human body to be determined (column 5, lines 47-50).

The claimed marking section comprises characters and/or numbers that can be read using X rays to determine information about the multi-layer hose. Stone does not suggest that the marker bands include numbers and/or characters that provide information about a characteristic of the sheath. Applicants submit that Stone's marker bands are "viewable," but are not "readable" using X-rays. Regarding Stone's marker bands, it is only necessary to view them to know their location relative to other elements of the device.

For at least the these reasons, the multi-layer hose recited in claim 1 is patentable over Stone. Dependent claims 3 and 4 are also patentable over Stone for at least the same reasons as those discussed above with respect to claim 1.

Therefore, withdrawal of the rejection is respectfully requested.

### **First Rejection Under 35 U.S.C. § 103**

Claim 5 stands rejected under 35 U.S.C. § 103(a) over Stone in view of U.S. Patent No. 5,576,072 to Hostettler et al. ("Hostettler"). The rejection is respectfully traversed.

Claim 5 depends from claim 1. Hostettler has been applied in the rejection for allegedly curing the deficiencies of Stone with regard to claim 5. Hostettler does not provide the required suggestion or motivation to modify Stone's balloon sheath to produce the multi-layer hose recited in claim 1. Accordingly, claim 5 would not have been rendered obvious by the applied references. Therefore, withdrawal of the rejection is respectfully requested.

### **Second Rejection Under 35 U.S.C. § 103**

Claim 14 stands rejected under 35 U.S.C. § 103(a) over Stone in view of U.S. Patent No. 6,086,942 to Carden, Jr. et al. ("Carden"). The rejection is respectfully traversed.

Claim 14 depends from claim 1. Claim 14 recites that the marking sections are provided in a longitudinally spaced relationship with one another in a recurring mode of arrangement. The recited arrangement of the marking sections allows tracing back when the hose has already been separated into several subsections. See page 4, lines 19-21, of the specification. As discussed above, Stone discloses that the balloon sheath 40 can include marker bands located between the two layers 42, 44, at the proximal and/or distal regions of the sheath, to enable visualization of the axial position of the sheath relative to other structures. Clearly, Stone does not suggest providing the proximally- and distally-located marker bands in a longitudinally spaced relationship with one another in a recurring mode of arrangement, as claimed.

Carden has been applied in the rejection for allegedly curing the deficiencies of Stone with regard to claim 14. Applicants submit that Carden fails to provide the

required suggestion or motivation to modify Stone's balloon sheet to result in the multi-layer hose recited in claim 14. Accordingly, claim 14 would not have been rendered obvious by the applied references.

Therefore, withdrawal of the rejection is respectfully requested.

### **Third Rejection Under 35 U.S.C. § 103**

Claims 7 and 9 stand rejected under U.S.C. § 103(a) over Stone in view of U.S. Patent No. 6,508,784 to Shu ("Shu") and Carden, and further in view of U.S. Patent No. 6,471,758 to Kelderman et al. ("Kelderman"). The rejection is respectfully traversed.

Claims 7 and 9 depend ultimately from claim 1. Shu, Carden and Kelderman have been applied in the rejection for allegedly curing the deficiencies of Stone with respect to the compound recited in claims 7 and 9. Applicants submit that the applied combination of references does not suggest the multi-layer hose recited in claim 1. Accordingly, claims 7 and 9 would not have been rendered obvious by the applied references. Therefore, withdrawal of the rejection is respectfully requested.

### **Fourth Rejection Under 35 U.S.C. § 103**

Claim 8 stands rejected under U.S.C. § 103(a) over Stone in view of Shu and Carden, and further in view of U.S. Patent No. 6,375,634 to Carroll ("Carroll"). The rejection is respectfully traversed.

Claim 8 depends ultimately from claim 1. Shu, Carden and Carroll have been applied in the rejection for allegedly curing the deficiencies of Stone with regard to the compound recited in claim 8. Applicants submit that the applied combination of

references does not suggest the multi-layer hose recited in claim 1. Accordingly, claim 8 would not have been rendered obvious by the applied references.

Therefore, withdrawal of the rejection is respectfully requested.

**Fifth Rejection Under 35 U.S.C. § 103**

Claim 10 was rejected under 35 U.S.C. § 103(a) over Stone in view of Shu and Carden, and further in view of U.S. Patent No. 6,054,505 to Gundlach et al. ("Gundlach"). The rejection is respectfully traversed.

Claim 10 depends ultimately from claim 1. Shu, Carden and Gundlach have been applied in the rejection for allegedly curing the deficiencies of Stone with respect to the ink composition recited in claim 10. Applicants submit that the applied combination of references does not suggest the multi-layer hose recited in claim 1. Accordingly, claim 10 would not have been rendered obvious by the applied references. Therefore, withdrawal of the rejection is respectfully requested.

**Sixth Rejection Under 35 U.S.C. § 103**

Claims 11-13 stand rejected under 35 U.S.C. § 103(a) over Stone in view of Shu, further in view of Carden. The rejection is respectfully traversed.

Claims 11-13 depend ultimately from claim 1. Shu and Carden have been applied in the rejection for allegedly curing the deficiencies of Stone with regard to the subject matter recited in claims 11-13. Applicants submit that the applied combination of references does not suggest the multi-layer hose recited in claim 1. Accordingly, claim 11-13 would not have been rendered obvious by the applied references. Therefore, withdrawal of the rejection is respectfully requested.

**New Claims**

Claims 19 and 20 depend from claim 1 and recite, respectively, the features of "the at least one marking section comprises a date or a production number," and "the at least one marking section indicates a material." Support for claims 19 and 20 is provided at page 4, lines 12-13, of the specification. Claims 19 and 20 are also patentable.

**Conclusion**

For the foregoing reasons, allowance of the application is respectfully requested. If there are any questions concerning this response, Applicants' undersigned representative can be reached at the number below.

Respectfully submitted,

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